

REMARKS

Claims 11-17, 23, and 24 are in the case. Claims 11-15 and 24 stand rejected. Claims 11, 12, 15, and 24 are hereby amended. Applicants appreciate the Examiner's acknowledgement that claims 16, 17, and 23 would be allowed if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants have amended the claims in conjunction with suggestions made during an interview with Examiner Lau on October 24, 2003. No new matter has been added by the amendments.

With the foregoing amendments, Applicants assert that the claims are in condition for allowance. Reconsideration and allowance of the claims are hereby respectfully requested.

Rejections Based on the 35 U.S.C. § 102(b)

Claims 11-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by McIntosh (U.S. Patent No. 4,891,764).

Claim 15 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Rider (U.S. Patent No. 4,566,327).

As discussed below, McIntosh does not teach each and every element of claims 11-13, as amended, and thus, claims 11-13 patentably define over McIntosh. Moreover, Rider does not teach each and every element of claim 15, as amended, and thus, claim 15 patentably defines over Rider.

The Federal Circuit establishes precedent which governs the boundaries of the patent examination process within the Patent Office. The Federal Circuit has ruled on anticipation and its decisions provide guidance for when a rejection is proper under 35 U.S.C. §102(b). It is well-settled that for a patent or publication to be a bar to patentability under 35 U.S.C. § 102(b), i.e. anticipatory, it must teach each and every element of the claim alleged to be anticipated by the reference. That is, an anticipation rejection is proper when a reference teaches each and every element of a claim. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.") *See Also Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the . . . claim.").

Claims 11-13 are directed to an alignment system for aligning a centerline of a first shaft with a centerline of a second shaft. As amended, the system of claims 11-13 require a coupling for coupling the first and second shafts. As discussed with the Examiner on October 24, 2003, McIntosh does not teach using a coupling to couple first and second shafts as part of an alignment system. Thus, by the foregoing amendments, Applicants assert that the rejection to claims 11-13 is overcome and respectfully request reconsideration and allowance of claims 11-13.

Rider does not teach each and every element of claim 15, as amended, and thus, claim 15 patentably defines over Rider. Claim 15 is directed to an alignment system for aligning a centerline of a first shaft with a centerline of a second shaft. Per the Examiner interview,

Examiner Lau suggested amending claim 15 to move the structure recited in the preamble into the body of the claim.

Applicants have amended claim 15 so that the structure previously recited in the preamble is now included in the claim body. Claim 15 now requires, in addition to first and second dual-axis accelerometers and a microprocessor for processing the accelerometer signals, an analyzer having memory and a mounting bracket having engagement surfaces for engaging the first shaft and securing the bracket to the first shaft. Claim 15 also requires a sensor head having a facing surface and a rear surface disposed on the mounting bracket and extending in a substantially perpendicular orientation with respect to the centerline of the first shaft. Furthermore, claim 15 includes the additional limitations: a collimated light source mounted on the sensor head for transmitting a beam of energy in a direction that is substantially parallel to the first shaft, and a photosensitive sensor mounted on the sensor head for sensing light and generating a position signal corresponding to a position of a light beam impinging upon the photosensitive sensor.

As described above, an anticipation rejection is proper only when a reference discloses each and every element of a claim. It is quite clear that Rider does not teach each and every element of amended claim 15. The Examiner has conceded the same in prior telephonic interviews. Thus, claim 15 patentably defines over Rider. Reconsideration and allowance of claim 15 is respectfully requested.

Claim 16, 17, and 23 depend from claim 15 and contain further important features of the invention. Since amended claim 15 patentably defines over Rider, dependent claims 16, 17, and 23 also patentably define over Rider. Reconsideration and allowance of claims 16, 17, and 23 are respectfully requested.

Rejections Based on the 35 U.S.C. § 103(a)

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rider in view of McIntosh.

Claim 24 is directed to an alignment system for aligning a first shaft. Claim 24 requires a sensor head coupled to the first shaft, a collimated light source disposed on the sensor head for transmitting an energy beam, a photosensitive sensor disposed on the sensor head for sensing light and generating a position signal therefrom. As amended, claim 24 now includes the further limitation that the processor is operable to provide an output corresponding to the angular position of the sensor head relative to the first shaft as the sensor head rotates through a plurality of angular positions about the first shaft by selecting a fifth signal dependent on the first and third signals or a sixth signal dependent on the second and fourth signals and determining the angular position of the sensor head with respect to the first shaft therefrom.

Rider does not describe an alignment system as claimed in amended claim 24. McIntosh does not compensate for the deficient teachings of Rider. Therefore, amended 24 patentably defines over Rider in view of McIntosh. Reconsideration and allowance of claim 24 is respectfully requested.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over McIntosh in view of Rider. Claim 14 depends from amended claim 12 and contains additional important aspects of the invention. As described above, McIntosh does not teach each and every element of claim 12. Rider does not compensate for the deficient teachings of McIntosh. Since McIntosh in view of Rider does not provide the invention as claimed in claim 12, and since claim 14 depends from claim 12, claim 14 also patentably defines over McIntosh in view of Rider. Reconsideration and allowance of claim 14 is respectfully requested.

CONCLUSION

Having now fully and completely responded to the office action, Applicants assert that the claims are all fully in condition for allowance. Thus, reconsideration and allowance of all claims are respectfully requested.

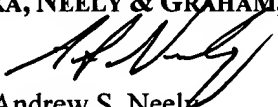
If the Examiner identifies further issues that may be resolved by telephone, the Examiner is invited to contact the undersigned at 1.865.546.4305.

In the event that this response is not timely filed, Applicant hereby petitions for an appropriate extension of time. The fee for this extension, along with any other fees that may be due with respect to this response, may be charged to our deposit account number 12-2355.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited on the date below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450..

Date

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